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WILTON MIWOK RANCHERIA,  
ITS MEMBERS; and DOROTHY ANDREWS

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

ME-WUK INDIAN COMMUNITY OF THE  
WILTON RANCHERIA,

Plaintiffs,

v.

DIRK KEMPTHORNE,  
In his official capacity as Secretary of the Interior,

Defendants.

WILTON MIWOK RANCHERIA, a formerly  
federally-recognized Indian tribe, and ITS  
MEMBERS, and DOROTHY ANDREWS,

Plaintiffs-in-Intervention.

Case No. C 07-05706 (WHA)

**DECLARATION OF JOHN NYHAN IN  
SUPPORT OF ADMINISTRATIVE  
MOTION TO REQUEST THAT CASES  
BE RELATED**

I, JOHN NYHAN, declare as follows:

1. I am a member of the Bar of this Court and Of Counsel with the law firm of Fredericks Peebles & Morgan LLP and one of the counsel representing the Plaintiffs-in-Intervention in this action and submit this Declaration in Support of Plaintiff's Administrative Motion to Request That Cases Be Related. My firm and I also represent plaintiffs in *Wilton Miwok Rancheria, et al. v. Dirk Kempthorne*,

1 *et al.* I am informed of and believe the following, and if called upon I could and would competently  
2 testify as follows:

3 2. On October 24, 2007, the Honorable Royce C. Lamberth issued a Memorandum  
4 Opinion in this action in which he indicated his intent to grant both the Motion to Intervene and the  
5 Motion to Transfer to the Northern District of California, filed by the Plaintiffs-in-Intervention, Wilton  
6 Miwok Rancheria, its members, and Dorothy Andrews. *See* Memorandum Opinion (Oct. 24, 2007),  
7 *Me-Wuk Indian Community v. Kempthorne*, Case No. 1:07-CV-00412 (RCL) (a true and correct copy  
8 of the Memorandum Opinion is attached hereto as Exhibit A).

9 3. On October 24, 2007, the Honorable Royce C. Lamberth issued an Order in which he  
10 granted the Motion to Intervene and the Motion to Transfer to the Northern District of California, filed  
11 by the Plaintiffs-in-Intervention. *See* Order (Oct. 24, 2007), *Me-Wuk Indian Community v.*  
12 *Kempthorne*, Case No. 1:07-CV-00412 (RCL) (a true and correct copy of the Order is attached hereto  
13 as Exhibit B).

14 4. This action is related to *Wilton Miwok Rancheria v. Kempthorne, et al.*, No. CV-072681  
15 JF, filed in this Court on May 21, 2007, pending before the Honorable Jeremy Fogel. For the reasons  
16 set forth in the Administrative Motion to Request That Cases Be Related, filed concurrently herewith,  
17 this case should be related to that pending action.

18 I declare that the under penalty of perjury under the laws of the United States of America that  
19 the foregoing is true and correct.

20 Executed this 20<sup>th</sup> day of November 2007, at Sacramento, California.

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22 \_\_\_\_\_  
23 John Nyhan